



The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

May 11, 2023

Chief William Scott
Chief of Police

Dear Chief Scott:

At the meeting of the Police Commission on Wednesday, May 10, 2023, the following resolution was adopted:

RESOLUTION 23-45

APPROVAL OF REVISED DEPARTMENT GENERAL ORDER 2.01, "GENERAL RULES OF CONDUCT," WITH TWO (2) AMENDMENTS FOR THE DEPARTMENT TO USE IN MEETING AND CONFERRING WITH THE EFFECTED BARGAINING UNITS AS REQUIRED BY LAW, WITH LABOR INSTRUCTIONS PROVIDED IN RESOLUTION NO. 23-30;

WHEREAS, Commissioner Benedicto motioned the Commission, and seconded by Commissioner Walker to send DGO 2.01 to Meet and Confer with the effected bargaining Units as required by law; and

WHEREAS, Commissioner Benedicto made two (2) amendments to revise and/or add the bolded language below:

1. 2.01.03 GENERAL RULES OF CONDUCT *6. Responsibilities of Off-Duty Members Who Place Themselves in Peace Officer Status* Under California law, Penal Code 830.1, peace officers have the authority, whether on or off duty, to take police action or make lawful arrests anywhere in the State when there is a public offense committed in their presence. All arrests, and the exercise of a peace officer's authority, require compliance with applicable laws and Departmental regulations. If an officer is in the presence of a crime, and there is immediate danger to a person or to property, or an escape of the perpetrator of such requirement and responsibility of reporting.
Members shall consider the totality of the circumstances when considering action – in most circumstances calling 911 and being a good witness is the appropriate course of action. When feasible, and prior to placing themselves in peace officer status, members shall take a moment and consider alternate resources available to them which include but are not limited to:
 - a. utilizing de-escalation techniques
 - b. notifying the proper authorities
 - c. identifying potential witnesses

Under no circumstances shall an off-duty member who is under the influence of **or impaired by** any intoxicating substance place themselves in peace officer status. When an off-duty member witnesses and reports a crime, or is the victim of an offense, that member shall normally maintain their off-duty status and allow on-duty officers to handle the incident. Off-duty members should report any suspected crimes in progress or observed criminal activity to the appropriate authorities.

Notification: Any off-duty members who must place themselves in peace officer status shall immediately identify themselves as a peace officer and display their police identification and/or star immediately.

Immediate notification to the Department Operation Center shall be made by off-duty members who placed themselves in peace officer status. Upon return to regular duty status, members shall prepare a memorandum

CINDY ELIAS
President

MAX CARTER-OBERSTONE
Vice President

LARRY YEE
Commissioner

JAMES BYRNE
Commissioner

JESUS YANEZ
Commissioner

KEVIN BENEDICTO
Commissioner

DEBRA WALKER
Commissioner

Sergeant Stacy Youngblood
Secretary



The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

to their Commanding Officer. Members may contact their representative prior to completing the memorandum, however members remain responsible for completing the memorandum upon return to duty.

- 2. 2.01.03 GENERAL RULES OF CONDUCT 14. *Insubordination* - Insubordination is the act of being disobedient to authority; refusal to obey an order which a higher-ranking member is entitled to give; the willful neglect or deliberate refusal to obey any lawful order; flouting the authority of any superior by overt disrespect, or by disputing orders. ~~Failure or refusal of any member or employee to obey a lawful order given by a higher-ranking member constitutes insubordination.~~

CINDY ELIAS
President

MAX CARTER-OBERSTONE
Vice President

LARRY YEE
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Commissioner

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Commissioner

DEBRA WALKER
Commissioner

Sergeant Stacy Youngblood
Secretary

RESOLVED, that the Police Commission hereby approves revised Department General Order 2.01, "General Rules of Conduct," with two (2) amendments, for the Department to use in meeting and conferring with the effected bargaining units as required by law; and be it

FURTHER RESOLVED, that labor instructions are provided in Resolution No. 23-30, Police Commission Directions Regarding Police Department and Department of Human Resources Labor Negotiations with Effected Bargaining Units regarding Department General Orders.

AYES: Commissioners Byrne, Yanez, Walker, Benedicto, Yee, Vice President Carter-Oberstone, President Elias

Very truly yours,

Sergeant Stacy Youngblood
Secretary
San Francisco Police Commission

1211/ks

cc: Deputy City Attorney Cabrera
 Director L. Preston/SFPD Labor Relations
 Isabelle Choy/SFPD Labor Relations
 Captain D. Toomer/PSPP
 Lieutenant E. Altorfer/PSPP
 Manager A. Steeves/WDU
 Gloria Rosalejos/WDU



The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

April 10, 2023

Chief William Scott
Chief of Police

Dear Chief Scott:

At the meeting of the Police Commission on Wednesday, April 5, 2023, the following resolution was adopted:

RESOLUTION 23-30:

APPROVAL OF POLICE COMMISSION DIRECTIONS REGARDING POLICE DEPARTMENT AND DEPARTMENT OF HUMAN RESOURCES LABOR NEGOTIATIONS WITH AFFECTED BARGAINING UNITS;

CINDY ELIAS
President

MAX CARTER-OBERSTONE
Vice President

LARRY YEE
Commissioner

JAMES BYRNE
Commissioner

JESUS YANEZ
Commissioner

KEVIN BENEDICTO
Commissioner

DEBRA WALKER
Commissioner

Sergeant Stacy Youngblood
Secretary

WHEREAS, The Police Commission remains committed to its duty of effective oversight and policymaking for the San Francisco Police Department; and

WHEREAS, The Police Commission respects the importance of labor relations and the rights of public sector employees, including peace officers, under the Meyers Milias Brown Act; and

WHEREAS, In 2016, the U.S. Department of Justice's "Assessment of the San Francisco Police Department" identified delays in policy enactment "because of collective bargaining practices," and recommended that the Police Department and the Police Commission "expedite the process in the future for other policy development;" now, therefore, be it

RESOLVED, When bargaining with affected bargaining units regarding Department General Orders or other policies passed by the Police Commission that require effects bargaining under law, the Police Commission hereby direct the Police Department and urge the San Francisco Department of Human Resources to meet and confer only to those negotiable effects required by law; and

RESOLVED, When bargaining with affected bargaining units regarding Department General Orders or other policies passed by the Police Commission that involve mandatory subjects of bargaining under law, the Police Commission hereby direct the Police Department and urge the San Francisco Department of Human Resources to meet and confer only to the extent required by law; and

FURTHER RESOLVED, When bargaining with affected bargaining units regarding Department General Orders or other policies passed by the Police Commission, the Police Commission hereby direct the Police Department and urge the San Francisco Department of Human Resources to not meet and confer on managerial decisions that are not within the scope of representation, and where there is no legal duty to meet and confer; and

FURTHER RESOLVED, When bargaining with affected bargaining units regarding Department General Orders or other policies passed by the Police Commission, the Police Commission hereby directs the Police Department and urges the San Francisco Department of Human Resources to ensure there are no unreasonable delays on any items within the scope of representation and consistent with the City's legal obligations.



The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

AYES: Commissioner Walker, Byrne, Yanez, Benedicto, Yee, Vice President
Carter-Oberstone and President Elias.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Stacy Youngblood".

Sergeant Stacy Youngblood
Secretary
San Francisco Police Commission

CINDY ELIAS
President

MAX CARTER-OSBERSTONE
Vice President

LARRY YEE
Commissioner

JAMES BYRNE
Commissioner

JESUS YANEZ
Commissioner

KEVIN BENEDICTO
Commissioner

DEBRA WALKER
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Sergeant Stacy Youngblood
Secretary

1211/ks

cc: Deputy City Attorney Cabrera
Director L. Preston/SFPD Labor Relations
Captain D. Toomer/PSPP
Lieutenant E. Altorfer/PSPP
Isabelle Choy/SFPD Labor Relations

General Rules of Conduct

2.01.01 PURPOSE

The San Francisco Police Department (SFPD) stands for Safety with Respect for all. We will engage in just, transparent, unbiased, and responsive policing and do so in the spirit of dignity and in collaboration with the community. We will maintain and build trust and respect as the guardian of constitutional and human rights.

This General Order establishes standards of conduct that are consistent with the values and mission of the San Francisco Police Department and are expected of all department members. This order applies to all members, sworn and professional staff. All members/employees are responsible for knowing and complying with this Order. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions. In addition to the provisions listed herein, members are subject to all other provisions contained in Department General Orders, including DGO 3.01 Department Written Directives, as well as the San Francisco Police Commission rules and orders, and the Department's Statement of Incompatible Activities.

2.01.02 POLICY

It is the policy of the San Francisco Police Department to maintain the highest level of professional conduct and to ensure that members of the San Francisco Police Department are performing their duties, providing services to the public, and enforcing the laws in a fair, impartial, and ethical manner. Any conduct that creates an unreasonable risk of harm to the public, or compromises the integrity of the Department, may be grounds for discipline.

The appointment and continuing employment of every member of the San Francisco Police Department shall be based on conduct that conforms to the guidelines set forth in this policy.

Police officers, because of their status as peace officers, have a greater responsibility to report and prevent misconduct than members of the public. Experience, rank, or tenure do not provide an excuse for failing to take appropriate action. Although supervisors are responsible for investigating allegations of misconduct, all Department employees are responsible for preventing and reporting misconduct.

The below General Rules of Conduct provide members of the Department with information and safeguards necessary to carry out the Department's mission. While these General Rules of Conduct are designed to address many different scenarios that members may encounter, members are required to know all General Orders and policies of the SFPD. Failure to abide by the mission, general rules of conduct, and Department policies may result in discipline up to, and including, termination and/or criminal investigation.

2.01.03 GENERAL RULES OF CONDUCT

All department members shall become thoroughly familiar with these rules and regulations and shall abide by them. They will observe and obey all:

- federal, state, and local laws.
- all Department General Orders including DGO 3.01, Department Written Directives.
- other lawful orders of their superiors.

Upon observing or otherwise becoming aware of a suspected violation of the rules, procedures or policies as set forth in this General Order, every Department member shall report any such violation to a superior officer.

Any member/employee who observes any misconduct shall take appropriate action to immediately stop the misconduct. The fact that a supervisor is present and not taking appropriate action to stop the misconduct does not relieve other members/employees present from this duty to act.

1. **Misconduct** - Members/employees shall conduct themselves, both on and off-duty, in a manner that reflects favorably on the Department. Unprofessional conduct is conduct that brings the Department into disrepute, reflects discredit upon the member/organization, or impairs the operation or efficiency of the Department or personnel. Types of misconduct include but are not limited to:
 - a. conduct unbecoming
 - b. conduct reflecting discredit
 - c. unnecessary/excessive force
 - d. unwarranted action
 - e. neglect of duty
 - f. failure to take required action

Honesty, credibility, even temperament, and sound judgment are essential to the performance of a member's duties. Any breach of peace, neglect of duty, misconduct, or any conduct by a member/employee that tends to subvert the order, efficiency, or discipline of the Department shall be considered misconduct. Additionally, any conduct that brings discredit upon the Department or any member or is prejudicial to the efficiency and discipline of the Department, even if not specifically defined or set forth in Department policies and procedures, shall be considered misconduct.

2. **Department Member's Notification Responsibilities** - All members/employees shall immediately notify their Commanding Officer if the member:
 - a. becomes the subject of a domestic violence restraining order, Temporary Restraining Order (TRO/DVRO) or similar court order.
 - b. is placed on probation related to a criminal case.
 - c. becomes the subject of an outstanding warrant.

- d. learns or is made aware of criminal conviction or any non-criminal conduct which unduly restricts or prohibits that member from fully and properly performing their duties.
- e. learns or is made aware that they are prohibited from owning or possessing firearms stemming from a Welfare and Institutions Code hold.
- f. is a named party in a lawsuit.
- g. learns or is made aware that they are under investigation for any misdemeanor, felony, or is listed as a named subject on any documentation in San Francisco or any other jurisdiction (i.e., incident report, field interview forms or information reports, is arrested).
- h. is cited in lieu of arrest (except Vehicle Code infractions).

If circumstances delay compliance with the immediate notification requirement, (i.e., due to incarceration, hospitalization, or travel), and a Commanding Officer cannot be notified in a timely manner, the member shall notify their on-duty supervisor in their command, who shall prepare and forward the memorandum to the member's Commanding Officer. Notification shall include the following: day, date, time, location of incident, involved parties, and summarize the circumstances of the incident. Any other means shall not satisfy the notification requirement. Members may contact their representative prior to completing the memorandum; however, members remain responsible for completing the memorandum upon return to duty.

When a member learns or is made aware of possible misconduct by another member, that member shall immediately notify a supervisor. If that supervisor is the subject of the alleged misconduct, then the reporting member shall notify a different supervisor. If on duty, the member shall also prepare an initial investigative report on memorandum (SFPD 68) addressed to the member's commanding officer before reporting off duty. If the member is unavailable to immediately prepare a memorandum (i.e., off-duty, or assigned to another district) the supervisor being notified shall immediately prepare the memorandum before reporting off-duty.

- 3. Attention to Duty** - While on duty, all members/employees shall devote their time to performing their respective assignments. Members/employees shall not, while on-duty, engage in personal business or in any other activity that would cause them to be inattentive to duty. Members shall not sleep while on duty.
- 4. Reporting for Duty** - Members/employees shall report for duty at the required time and place and shall be physically and mentally fit to perform their duties. Members shall remain at their assignment:
 - a. to take action in a serious matter.
 - b. unless properly relieved for personal necessity with a supervisor's permission.
 - c. until dismissed by responsible authority, i.e., attorneys, court liaison, 10B assignment, etc.
 - d. until relieved by another member or with a supervisor's approval.

5. Performing Duties - Members/employees shall perform their duties promptly and according to Department policies and procedures. Members/employees shall maintain a working knowledge of all information required for the proper performance of their duties (see Department General Order 3.01, Department Written Directives). Members/employees shall obey all Department written orders, policies, and procedures, and promptly obey all lawful written or verbal directives of superiors.

6. Responsibilities of Off-Duty Members Who Place Themselves in Peace Officer Status - Under California law, Penal Code 830.1, peace officers have the authority, whether on or off duty, to take police action or make lawful arrests anywhere in the State when there is a public offense committed in their presence. All arrests, and the exercise of a peace officer's authority, require compliance with applicable laws and Departmental regulations. If an officer is in the presence of a crime, and there is immediate danger to a person or to property, or an escape of the perpetrator of such an offense, there is a requirement and responsibility of reporting.

Members shall consider the totality of the circumstances when considering action - in most circumstances calling 911 and being a good witness is the appropriate course of action. When feasible, and prior to placing themselves in peace officer status, members shall take a moment and consider alternate resources available to them which include but are not limited to:

- a. utilizing de-escalation techniques
- b. notifying the proper authorities
- c. identifying potential witnesses

Under no circumstances shall an off-duty member who is under the influence of any intoxicating substance place themselves in peace officer status. When an off-duty member witnesses and reports a crime, or is the victim of an offense, that member shall normally maintain their off-duty status and allow on-duty officers to handle the incident. Off-duty members should report any suspected crimes in progress or observed criminal activity to the appropriate authorities.

Notification: Any off-duty members who must place themselves in peace officer status shall immediately identify themselves as a peace officer and display their police identification and/or star immediately.

Immediate notification to the Department Operation Center shall be made by off-duty members who placed themselves in peace officer status. Upon return to regular duty status, members shall prepare a memorandum to their Commanding Officer. Members may contact their representative prior to completing the memorandum, however members remain responsible for completing the memorandum upon return to duty.

7. Respectfulness - Members/employees shall be professional, respectful, and courteous towards others at all times. Members/employees are expected to act in a manner that cultivates and maintains a healthy and productive environment. Department members/employees shall not intimidate other members. Members/employees shall not

engage in any conduct likely to cause other members emotional distress such as untoward gossiping and bullying.

- 8. Public Courtesy** - Members/employees shall understand and follow the principles of Procedural Justice and incorporate them into their professional work environment. These principles include giving members of the community a voice (opportunity to speak), fair/impartial treatment, respect, and providing a trustworthy process.

When acting in the performance of their duties, members shall:

- a. When answering the phone, identify themselves including their name, rank, unit, station, or bureau, and inquire how they may be of service.
 - b. Treat the public with courtesy and respect and not direct discourteous or profane language at members of the public.
 - c. Address the public using pronouns and titles of respect appropriate to the individual's gender identity as expressed by the individual.
 - d. Not demean or degrade individuals referencing their race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, mental or physical disability, or socioeconomic status.
 - e. When requested, the member shall promptly and politely provide their name, star number and assignment.
- 9. Written Reports** - While on duty, members shall make all required written reports of crimes or incidents requiring police attention. Members shall finalize felony arrest reports within 8 hours of the subject being booked at the County Jail. Members shall refer to the most current Department policies and procedures regarding timely submission of traffic collision reports, arrest reports, and the booking of felony arrestees. Additionally, no member shall knowingly:
- a. submit false, inaccurate, materially incomplete, or improper Departmental records.
 - b. falsify official reports or records.
 - c. falsify or alter evidence.

Any member who chooses not to document an incident or statement may be required to justify their decision at a later time when requested to do so by higher authority and may be subject to discipline.

- 10. Responsibility of Rank** - All department members/employees have a basic responsibility to perform assigned tasks and duties in a manner that ensures the success of the Department's mission. In addition to this basic responsibility, and other responsibilities and duties contained in the Department General Orders or assigned by competent authority, department members have responsibilities which commensurate with rank, including the provision of direct supervision when appropriate.
- 11. Addressing High Ranking Members** - When on-duty or in the presence of others, higher ranking members shall be referred to by rank title.

- 12. Responsibility of Higher Rank** - Unless otherwise ordered, when two or more members are on-duty together, the highest-ranking member shall be in charge and is responsible for the proper completion of the assignment. When assigned duties of a higher rank, members shall assume the responsibilities that apply to the higher rank.
- 13. Equal Rank Responsibility** - Unless otherwise ordered, when two or more Department members of equal rank are working together on the same assignment or detail, the senior member will assume command if needed. Seniority is determined first by member's rank and second by continuous service in the rank.
- 14. Insubordination** - Insubordination is the act of being disobedient to authority; refusal to obey an order which a higher-ranking member is entitled to give; the willful neglect or deliberate refusal to obey any lawful order; flouting the authority of any superior by overt disrespect, or by disputing orders. Failure or refusal of any member or employee to obey a lawful order given by a higher-ranking member constitutes insubordination.
- 15. Conflicting Orders** - Upon receipt of an order conflicting with any previous order or instruction, the member/employee affected shall advise the person issuing the second order of this fact. Responsibility for countermanding the original instruction then rests with the individual issuing the second order. If so directed, the latter order shall be obeyed first. Countermanding or conflicting orders shall be issued only when circumstances dictate. Examples include but are not limited to officer safety, tactical considerations, to accomplish a police mission, or for the good of the Department. Members may choose to prepare a memorandum documenting the conflicting order and submit it to their Commanding Officer for review.
- 16. Investigative Responsibility** - When a member is assigned to an investigation and is at the scene of an incident, they shall immediately assume responsibility to ensure a thorough and complete investigation is conducted, unless relieved by an investigator or higher authority. Additionally, station level investigators or other investigative units who do not respond out to the scene are still responsible for a thorough and complete follow-up investigation.
- 17. Cooperation with Administrative Investigations** - When questioned by a superior officer, the superior officer's designee, or the Department of Police Accountability, members shall answer all questions truthfully, without evasion, or discourtesy. Prior to being questioned, the member shall be advised of and accorded all the members rights mandated by law or Memorandum of Understanding (see DGO 2.08, Peace Officers' Rights). No member shall obstruct, impede, delay, or undermine the internal investigation process in either words or actions. This order shall not infringe on member's Constitutional rights in criminal investigations.
- 18. Compromising Investigations** - Except as required by law or by Department policy and procedure, members/employees shall not divulge any information or engage in any conduct that may compromise an administrative or criminal investigation or prosecution

of a criminal offense (see DGO 3.16, Release of Police Reports and DGO 8.09 Media Relations).

- 19. Conflict of Interest in Investigations** - If a member is assigned to an investigation in which the member knows, suspects, or should reasonably know or suspect, that the member has a personal or family interest, the member shall immediately report the interest to the member's immediate supervisor.
- 20. Divulging Confidential Information** - Members/employees shall not divulge any information that is made confidential by law or by Department policies and procedures (see DGO 3.16, Release of Police Reports and DGO 8.09 Media Relations).
- 21. Members Relieved of Duty** - If it is determined that a member is unfit to perform their duties, that member will be relieved of duty. The member's supervisor shall submit to their commanding officer a memorandum report answering the allegation in detail. Accused members shall be advised of and accorded all civil and employee rights provided by law or Memorandum of Understanding.
- 22. Sickness or Injury** - Members/employees shall not falsely report themselves sick or injured. (See DGO 11.01 Personnel Compensation)
- 23. Department Property** - Members/employees shall use Department property accordingly. Members/employees may be personally liable for loss or damage to Department property due to negligence or intentional conduct. Members/employees shall not allow any individual who is not an employee or who is not working with the Department to use Department property without supervisory approval (Community Policing). Members/employees shall inspect their assigned vehicles and equipment and report defect or damage, with failure to do so resulting in officer responsibility. Members/employees are responsible for the safekeeping and appropriate authorized use of Department property. Additionally, members/employees shall complete a Damage to Department Property form (SFPD 154) and prepare a memorandum (SFPD 68) addressed to the members commanding officer before reporting off duty for any loss or damage to Department property.
 - a. Misappropriation or misuse which include but not limited to public funds, Department property, personnel or services will be cause for disciplinary action and or criminal investigation.
 - b. Abuse or neglect of Department equipment or property will be cause for disciplinary action.
- 24. Use of Private Vehicles** - While on duty, members shall not use a private vehicle for enforcement or investigative purposes, except with the specific approval of their commanding officer or officer-in-charge. Examples of enforcement or investigative purposes include:
 - a. enforcement purposes
 - b. surveillance
 - c. investigative follow ups

25. Membership in Subversive Organizations - Department members/employees shall not knowingly aid, assist, or be a member of or participant in any organization which advocates violence or the overthrow of the government by force or threatens the security and well-being of the City of San Francisco, State of California, or the United States of America. Additionally, Department members/employees shall not knowingly aid, assist, be a member or participant of any organization which conducts unlawful, racist, homophobic, sexist, or hate activity, except, when necessary, in the official performance of their duties, and with the prior authorization of the Chief of Police.

Except for duties related to official business, members/employees shall not knowingly frequent an establishment conducting illegal business. This rule applies to both on-duty and off-duty conduct.

26. Membership in Law Enforcement Gang - Department members/employees shall not knowingly aid, assist, or be a member of or participant in any law enforcement gang. A law enforcement gang is defined as a group of peace officers within a law enforcement agency who identify themselves by a name and may be associated with an identifying symbol, including, but not limited to, matching tattoos, and who engages in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing, including, but not limited to the following:

- a. excluding, harassing, or discriminating against any individual based on a protected category under federal or state antidiscrimination laws.
- b. engages in or promotes conduct that violates the rights of other employees or members of the public.
- c. the persistent practice of unlawful detention or use of excessive force in circumstances where it is known to be unjustified.
- d. intentionally and willfully violates Department policy and procedures.
- e. falsifies police reports.
- f. fabricates or destroys evidence.
- g. targets persons for enforcement based solely on protected characteristics of those persons.
- h. engages in theft.
- i. engages in unauthorized use of alcohol or drugs on duty.
- j. unlawfully or engages in unauthorized protection of other members from disciplinary actions, or
- k. retaliation against other officers who threaten or interfere with the activities of the group.

A violation of this policy shall be grounds for termination.

27. Prohibition on Use of Authority or Position - Except when receiving an unsolicited award or donation and consistent with the Statement of Incompatible Activities, no member/employee shall:

- a. receive, accept, or solicit gifts from anyone other than the City & County of San Francisco for the performance of a service or act the member would be expected to render or perform in the regular course of their city duties.
- b. use or attempt to use their official position for securing personal privileges beyond what is authorized by law, or for avoiding the consequences of illegal conduct.
- c. use information, not available to the public, gained through their position as a law enforcement officer or within the Department to gain a financial or other benefit for themselves or another.
- d. in their official capacity, bestow testimonials, collect, or receive money, or anything of value from any person, except with the Permission of the Police Commission.
- e. use their authority or position, whether for themselves or another, and not otherwise available to them as a private person:
 - i. to barter or solicit any goods or services.
 - ii. accept with the intent to convert to private use, any goods or services.
 - iii. for financial gain or other benefit.
 - iv. to obtain or grant privileges or favors; or
 - v. to avoid the consequences of an illegal or prohibited act for themselves or for others.

Members with further questions shall refer to the San Francisco Police Commission and Police Department Statement of Incompatible Activities.

28. Political Activity - Members/employees shall not, while on duty or while acting as a representative of the Department, endorse or oppose political candidates or issues or participate in political campaigns. Members/employees shall not place or cause to be placed politically oriented information in or on any Department building or equipment other than upon the bulletin board provided for the posting of general notices.

Additionally, members/employees shall not use Department email for the purpose of political activity. Members/employees can review the updated Political Activity Memorandum on the City Attorney's website.

29. Surreptitious Recordings - Unless conducting an assigned criminal or administrative investigation, no member shall surreptitiously record (video, photographic recording, or audio) any other member/employee who is on-duty without the express written approval of the Chief of Police. Prohibited surreptitious activity includes the audio recording, video recording and/or photographic recording of another member/employee with ANY personal cellular phone or department issued cellular phone or any electronic technology that is capable of making an audio, video, or photographic record. Members/employees shall continue to adhere to all departmental BWC policies and procedures. Members are reminded to use department issued electronic devices (i.e., department issued cell phone) when conducting any authorized criminal or administrative investigation.

30. Responsibilities of Members with Persons Who Are Detained or In Custody - Members shall:

- a. be responsible for the custody, control, and safety of detainees and arrestees in their care until the detainee is released and/or the arrestee has been formally remanded to the custody of another.
 - b. treat people who are detained or in custody in a humane manner with due respect and courtesy.
 - c. not loan money to persons in custody.
- 31. Recommending for Profit Businesses** - Members/employees shall not recommend to non-city employees the name or employment of any attorney, bail bondsman or tow truck operator, or the name of a particular for-profit business when the member knows or should know that the member will directly or indirectly receive a benefit, service, or profit by such recommendation. (See San Francisco Police Commission and Police Department Statement of Incompatible Activities.)
- 32. Inducing Retirements** - Members/employees shall not offer to, or pay money, or provide any other consideration with the intent of inducing the retirement of any member of the Department, nor shall any member become a party to any such transaction.
- 33. Filing a Lawsuit Against a Third Party** - Members shall, prior to filing a suit against a third party for the collection of damages sustained in the course and scope of police duties, submit a memorandum to their commanding officer providing a detailed description of the factual circumstances surrounding the incident, including the legal claim or claims for the lawsuit. Commanding officers shall forward these reports through the Chain of Command to the Risk Management Office.
- 34. Furnishing Information to Bail Bondspersons, Attorneys, U.S. Immigration and Customs Enforcement (“ICE”) / U.S. Customs and Border Protection (“CBP”)** - Except as required by law or Department policy, members/employees shall not furnish information regarding any arrested person, an investigation made or about to be made, or other Department activities to ICE/CBP, bail bondspersons or attorneys, or to persons working with or for bail bondspersons or attorneys.
- 35. Tobacco Policy** - On-duty members and employees shall not use any tobacco products (including, but not limited to cigarettes, cigars, pipes, snuff, or chewing tobacco, e-cigarette, vaping) while in direct contact with the public, within any City facility, City vehicle, within any public building, or within 25 feet of an entrance, open window, or air vent of any City building. The littering or improper disposal of tobacco remnants or by products is prohibited.

~~San Francisco Police Department~~ ~~2.01~~
~~GENERAL ORDER~~ ~~08/11/05~~

GENERAL RULES OF CONDUCT

~~This order outlines the general rules of conduct for officers and non-sworn employees of the Department.~~

- ~~1. ATTENTION TO DUTY. The basic mission of the San Francisco Police Department and its officers is to protect life and property, preserve the peace, prevent crime, enforce criminal laws and ordinances, and regulate non-criminal conduct as provided by law. While on duty, officers shall~~

General Rules of Conduct

2.01.01 PURPOSE

The San Francisco Police Department (SFPD) stands for Safety with Respect for all. We will engage in just, transparent, unbiased, and responsive policing and do so in the spirit of dignity and in collaboration with the community. We will maintain and build trust and respect as the guardian of constitutional and human rights.

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2.01.02 POLICY

It is the policy of the San Francisco Police Department to maintain the highest level of professional conduct and to ensure that members of the San Francisco Police Department are performing their duties, providing services to the public, and enforcing the laws in a fair, impartial, and ethical manner. Any conduct that creates an unreasonable risk of harm to the public, or compromises the integrity of the Department, may be grounds for discipline.

The appointment and continuing employment of every member of the San Francisco Police Department shall be based on conduct that conforms to the guidelines set forth in this policy.

Police officers, because of their status as peace officers, have a greater responsibility to report and prevent misconduct than members of the public. Experience, rank, or tenure do not provide an excuse for failing to take appropriate action. Although supervisors are responsible for investigating allegations of misconduct, all Department employees are responsible for preventing and reporting misconduct.

The below General Rules of Conduct provide members of the Department with information and safeguards necessary to carry out the Department's mission. While these General Rules of Conduct are designed to address many different scenarios that members may encounter, members are required to know all General Orders and policies of the SFPD. Failure to abide by the mission, general rules of conduct, and Department policies may result in discipline up to, and including, termination and/or criminal investigation.

2.01.03 GENERAL RULES OF CONDUCT

All department members shall become thoroughly familiar with these rules and regulations and shall abide by them. They will observe and obey all:

- federal, state, and local laws.
- all Department General Orders including DGO 3.01, Department Written Directives.
- other lawful orders of their superiors.

Upon observing or otherwise becoming aware of a suspected violation of the rules, procedures or policies as set forth in this General Order, every Department member shall report any such violation to a superior officer.

Any member/employee who observes any misconduct shall take appropriate action to immediately stop the misconduct. The fact that a supervisor is present and not taking appropriate action to stop the misconduct does not relieve other members/employees present from this duty to act.

- 1. Misconduct** - Members/employees shall conduct themselves, both on and off-duty, in a manner that reflects favorably on the Department. Unprofessional conduct is conduct that brings the Department into disrepute, reflects discredit upon the member/organization, or impairs the operation or efficiency of the Department or personnel. Types of misconduct include but are not limited to:
 - a. conduct unbecoming
 - b. conduct reflecting discredit
 - c. unnecessary/excessive force
 - d. unwarranted action
 - e. neglect of duty
 - f. failure to take required action

Honesty, credibility, even temperament, and sound judgment are essential to the performance of a member's duties. Any breach of peace, neglect of duty, misconduct, or

any conduct by a member/employee that tends to subvert the order, efficiency, or discipline of the Department shall be considered misconduct. Additionally, any conduct that brings discredit upon the Department or any member or is prejudicial to the efficiency and discipline of the Department, even if not specifically defined or set forth in Department policies and procedures, shall be considered misconduct.

2. Department Member's Notification Responsibilities - All members/employees shall immediately notify their Commanding Officer if the member:

- a. becomes the subject of a domestic violence restraining order, Temporary Restraining Order (TRO/DVRO) or similar court order.
- b. is placed on probation related to a criminal case.
- c. becomes the subject of an outstanding warrant.
- d. learns or is made aware of criminal conviction or any non-criminal conduct which unduly restricts or prohibits that member from fully and properly performing their duties.
- e. learns or is made aware that they are prohibited from owning or possessing firearms stemming from a Welfare and Institutions Code hold.
- f. is a named party in a lawsuit.
- g. learns or is made aware that they are under investigation for any misdemeanor, felony, or is listed as a named subject on any documentation in San Francisco or any other jurisdiction (i.e., incident report, field interview forms or information reports, is arrested).
- h. is cited in lieu of arrest (except Vehicle Code infractions).

If circumstances delay compliance with the immediate notification requirement, (i.e., due to incarceration, hospitalization, or travel), and a Commanding Officer cannot be notified in a timely manner, the member shall notify their on-duty supervisor in their command, who shall prepare and forward the memorandum to the member's Commanding Officer. Notification shall include the following: day, date, time, location of incident, involved parties, and summarize the circumstances of the incident. Any other means shall not satisfy the notification requirement. Members may contact their representative prior to completing the memorandum; however, members remain responsible for completing the memorandum upon return to duty.

When a member learns or is made aware of possible misconduct by another member, that member shall immediately notify a supervisor. If that supervisor is the subject of the alleged misconduct, then the reporting member shall notify a different supervisor. If on duty, the member shall also prepare an initial investigative report on memorandum (SFPD 68) addressed to the member's commanding officer before reporting off duty. If the member is unavailable to immediately prepare a memorandum (i.e., off-duty, or assigned to another district) the supervisor being notified shall immediately prepare the memorandum before reporting off-duty.

Attention to Duty - While on duty, all members/employees shall devote their ~~entire~~ time to the achievement of this mission within the context of performing their respective assignments.

~~2. OFF DUTY RESPONSIBILITY. While off duty, officers shall take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property, consistent with their ability to take proper action.~~

~~1.3. MAINTAINING FIT CONDITION. Officers shall~~ Members/employees shall not, while ~~carrying a firearm off duty or on-duty, engage in personal business or in any other activity that would cause them to be inattentive to duty. Members shall not sleep while acting in the capacity of a peace officer, maintain themselves in a fit condition to perform police duties on duty.~~

~~2.4. Reporting for Duty~~ - Members/employees shall report for duty at the required time and place ~~required~~ and shall be physically and mentally fit to perform their duties. Members shall remain at their assignment:

- ~~a. PERFORMING DUTIES. to take action in a serious matter.~~
- b. unless properly relieved for personal necessity with a supervisor's permission.
- c. until dismissed by responsible authority, i.e., attorneys, court liaison, 10B assignment, etc.
- d. until relieved by another member or with a supervisor's approval.

Performing Duties - Members/employees shall perform their duties promptly and according to Department policies and procedures.

~~3. DRESS/APPEARANCE. Members shall, while on duty, be dressed as prescribed for their assignment (see DGO 10.01, Uniform and Equipment Classes). Members shall be clean and neat in appearance, except when excused by a superior for a proper police purpose. When appearing before the Police Commission, members shall either wear their uniform or shall be dressed as prescribed for court appearances (see DGO 3.08, Court Appearances by Members.)~~

~~3.5. MAINTAINING KNOWLEDGE. Members~~ Members/employees shall maintain a working knowledge of all information required for the proper performance of their duties (see ~~DGO 3.01, Written Communication System~~). Department General Order 3.01, Department Written Directives). Members/employees shall obey all Department written orders, policies, and procedures, and promptly obey all lawful written or verbal directives of superiors.

~~8. REQUESTING HEARINGS. Whenever ten or more members want a hearing on a matter affecting the Department, they must submit a signed petition to the Chief describing their concerns and any recommendation they wish to make. The Chief shall note the petition and send it with any comments to the Police Commission for consideration. The Commission shall set the matter for hearing within 30 days. If the Commission declines to hear the matter, the members submitting the petition shall be advised of the reasons, in writing, within the same 30-day period.~~

~~9. MISCONDUCT. Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.~~

~~10. WRITTEN ORDERS. Members shall obey all written orders, policies and procedures of the Department, and promptly obey all lawful written or verbal directives of superiors. (see DGO 3.01, Written Communication System)~~

~~11. CONFLICTING ORDERS. If a member is given a lawful order that conflicts with a previous order or written directive, the member shall advise the superior of the conflict and proceed according to the superior's direction. The member may prepare a memorandum detailing the circumstances of the incident.~~

~~12. ADDRESSING SUPERIOR OFFICERS. Members shall, at all times, address superior officers by title of rank.~~

~~13. RESPECTFULNESS. Members shall be respectful to superiors at all times.~~

~~6. 14. PUBLIC COURTESY. When Responsibilities of Off-Duty Members Who Place Themselves in Peace Officer Status - Under California law, Penal Code 830.1, peace officers have the authority, whether on or off duty, to take police action or make lawful arrests anywhere in the State when there is a public offense committed in their presence. All arrests, and the exercise of a peace officer's authority, require compliance with applicable laws and Departmental regulations. If an officer is in the presence of a crime, and there is immediate danger to a person or to property, or an escape of the perpetrator of such an offense, there is a requirement and responsibility of reporting.~~

~~Members shall consider the totality of the circumstances when considering action - in most circumstances calling 911 and being a good witness is the appropriate course of action. When feasible, and prior to placing themselves in peace officer status, members shall take a moment and consider alternate resources available to them which include but are not limited to:~~

- ~~a. utilizing de-escalation techniques~~
- ~~b. notifying the proper authorities~~
- ~~c. identifying potential witnesses~~

Under no circumstances shall an off-duty member who is under the influence of any intoxicating substance place themselves in peace officer status. When an off-duty member witnesses and reports a crime, or is the victim of an offense, that member shall normally maintain their off-duty status and allow on-duty officers to handle the incident. Off-duty members should report any suspected crimes in progress or observed criminal activity to the appropriate authorities.

Notification: Any off-duty members who must place themselves in peace officer status shall immediately identify themselves as a peace officer and display their police identification and/or star immediately.

Immediate notification to the Department Operation Center shall be made by off-duty members who placed themselves in peace officer status. Upon return to regular duty status, members shall prepare a memorandum to their Commanding Officer. Members may contact their representative prior to completing the memorandum, however members remain responsible for completing the memorandum upon return to duty.

7. **Respectfulness** - Members/employees shall be professional, respectful, and courteous towards others at all times. Members/employees are expected to act in a manner that cultivates and maintains a healthy and productive environment. Department members/employees shall not intimidate other members. Members/employees shall not engage in any conduct likely to cause other members emotional distress such as untoward gossiping and bullying.

8. **Public Courtesy** - Members/employees shall understand and follow the principles of Procedural Justice and incorporate them into their professional work environment. These principles include giving members of the community a voice (opportunity to speak), fair/impartial treatment, respect, and providing a trustworthy process.

When acting in the performance of their duties, members shall:

while on or off duty, members shall

- a. When answering the phone, identify themselves including their name, rank, unit, station, or bureau, and inquire how they may be of service.
 - b. Treat the public with courtesy and respect and not ~~use harsh, direct discourteous or profane or uncivil language.~~ Members shall also ~~at~~ members of the public.
 - a.c. Address the public using pronouns and titles of respect appropriate to the individual's gender identity as expressed by the individual. ~~When requested, members shall promptly and politely provide their name, star number and assignment.~~
 - d. ~~TELEPHONE COURTESY.~~ Not demean or degrade individuals referencing their race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, mental or physical disability, or socioeconomic status.
15. When ~~answering requested,~~ the telephone, ~~members~~ member shall
- b.c. ~~identify the station, bureau, or unit promptly and give politely their rank name, star number and name.~~ Members ~~assignment.~~

~~shall be courteous on the telephone.~~

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~~16. CONTAGIOUS DISEASES. See Infectious Disease Control Manual, DM-04.~~

~~17. RESPONSIBILITY OF RANK. When assigned duties of a higher rank,
officers shall assume the responsibilities that apply to the higher rank.~~

~~RESPONSIBILITY OF HIGHER RANK.~~

~~9. **Written Reports** - While on duty, members shall make all required written reports of crimes or incidents requiring police attention. Members shall finalize felony arrest reports within 8 hours of the subject being booked at the County Jail. Members shall refer to the most current Department policies and procedures regarding timely submission of traffic collision reports, arrest reports, and the booking of felony arrestees. Additionally, no member shall knowingly:~~

- ~~a. submit false, inaccurate, materially incomplete, or improper Departmental records.~~
- ~~b. falsify official reports or records.~~
- ~~c. falsify or alter evidence.~~

~~Any member who chooses not to document an incident or statement may be required to justify their decision at a later time when requested to do so by higher authority and may be subject to discipline.~~

~~10. **Responsibility of Rank** - All department members/employees have a basic responsibility to perform assigned tasks and duties in a manner that ensures the success of the Department's mission. In addition to this basic responsibility, and other responsibilities and duties contained in the Department General Orders or assigned by competent authority, department members have responsibilities which commensurate with rank, including the provision of direct supervision when appropriate.~~

~~11. **Addressing High Ranking Members** - When on-duty or in the presence of others, higher ranking members shall be referred to by rank title.~~

~~4.12. **Responsibility of Higher Rank** - Unless otherwise ordered, when two or more officersmembers are on-duty together, the highest-ranking officermember shall be in charge and is responsible for the proper completion of the assignment. When assigned duties of a higher rank, members shall assume the responsibilities that apply to the higher rank.~~

~~5.13. **Equal Rank Responsibility** - Unless otherwise ordered, when two or more officersDepartment members of equal rank are on-dutyworking together on the same assignment or detail, the senior officer shall be in member will assume command if~~

needed. Seniority is determined first by member's rank and second by continuous service in the rank.

~~—charge and is responsible for the proper completion of the assignment.~~

~~18. INVESTIGATIVE RESPONSIBILITY. When an officer who is charged with~~

~~the final~~

14. Insubordination - Insubordination is the act of being disobedient to authority; refusal to obey an order which a higher-ranking member is entitled to give; the willful neglect or deliberate refusal to obey any lawful order; flouting the authority of any superior by overt disrespect, or by disputing orders. Failure or refusal of any member or employee to obey a lawful order given by a higher-ranking member constitutes insubordination.

15. Conflicting Orders - Upon receipt of an order conflicting with any previous order or instruction, the member/employee affected shall advise the person issuing the second order of this fact. Responsibility for countermanding the original instruction then rests with the individual issuing the second order. If so directed, the latter order shall be obeyed first. Countermanding or conflicting orders shall be issued only when circumstances dictate. Examples include but are not limited to officer safety, tactical considerations, to accomplish a police mission, or for the good of the Department. Members may choose to prepare a memorandum documenting the conflicting order and submit it to their Commanding Officer for review.

6.16. Investigative Responsibility - When a member is assigned to an investigation and is at the scene of an incident, ~~he/she~~they shall immediately assume responsibility ~~for the to ensure a thorough and complete investigation- is conducted, unless relieved by an investigator or higher authority.~~ Additionally, station level investigators or other investigative units who do not respond out to the scene are still responsible for a thorough and complete follow-up investigation.

~~19. Cooperation with INVESTIGATIONS. Members shall, when~~

~~—Administrative Investigations - When questioned on matters relating to their employment with the Department by~~

~~—a superior officer or by one designated by a superior officer, or by a member~~

~~—of the Office of Citizen Complaints, the superior officer's designee, or the Department of Police Accountability, members shall answer all questions truthfully and~~

7.17. _____ without evasion-, or discourtesy. Prior to being questioned, the member shall be advised of and accorded all ~~his or her~~the members rights mandated by law or Memorandum of Understanding (see DGO 2.08, Peace Officers' Rights). No member shall obstruct, impede, delay, or undermine the internal investigation process in either words or actions. This order shall not infringe on member's Constitutional rights in criminal investigations.

~~20. CARE OF DEPARTMENT PROPERTY. Members shall take proper care~~

~~—of all Department property entrusted to them and shall be personally liable~~

~~—for its loss or damage due to negligence. (see DGO 10.02, Equipment)~~

~~21. USE OF DEPARTMENT PROPERTY. Members shall use Department property according to Department policies and procedures. Members shall use and operate Department vehicles and equipment in a reasonable and prudent manner and not allow unauthorized persons in police vehicles or allow them to use Department equipment. Authorization under special circumstances may be granted by a superior officer. (see DGO 10.02, Equipment)~~

~~22. LOSS OR DAMAGE TO DEPARTMENT PROPERTY. Members shall promptly report in writing any loss or damage to Department property entrusted to their use. Additionally, officers shall inspect their assigned vehicles and equipment and report any defect or damage, in writing, to their superiors. Failure to report defects or damage prior to use shall indicate that the officer assumes full responsibility for the damage. (see DGO 10.02, Equipment)~~

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~~23. ON DUTY WRITTEN REPORTS. While on duty, members shall make all required written reports of crimes or incidents requiring police attention.~~

~~24. OFF DUTY REPORTING. Officers shall, when off duty, report any serious crime or urgent police matter brought to their attention. Officers shall report any incident in which they become involved as a peace officer.~~

~~25. GIFTS, PRESENTS, COMPENSATION, REWARDS. Members shall not solicit or accept any gift, compensation or reward for the performance of their duties, except with the permission of the Police commission. When offered money or gifts for police services (other than monies received pursuant to Section 10 B.1 of the City Administrative Code), members who wish to accept the money or gift being offered shall submit a written report to their commanding officer. The report shall include a request for permission to accept the money or gifts, and include the date the offer was made, the name and address of the donor, and a brief description of the services rendered. Commanding officers shall forward these reports through channel to the Police Commission. The Commission may grant or deny the member permission to accept all or part of the money or gifts.~~

~~26. VEHICLE ACCIDENTS. See DGO 2.06, Vehicle Accidents Involving Members.~~

~~27. FILING SUIT. Members shall, prior to filing a suit for the collection of damages sustained in the performance of police duties, submit a written report to their commanding officer briefly describing the cause of action. Commanding officers shall forward these reports through channels to the Legal Division.~~

~~28. DEFENSE SUBPOENAS. See DGO 3.08, Court Appearances by Members.~~

~~31. FILING SUIT AGAINST THE CITY AND COUNTY OF SAN~~

~~FRANCISCO. Members shall, prior to filing a suit against the City or any of its departments, boards, tribunals or officers, submit a memorandum to their commanding officer briefly describing the cause of action. Commanding officers shall forward these memoranda through channels to the Legal Division. Also see DGO 3.15, Personal Property Claims.~~

~~32. ACCEPTING FEES. When offered a fee for testifying in any civil or criminal proceeding or deposition where the fee offered is greater than the fee set by law, members shall make a written application to the Police Commission to accept the fee. Members will be permitted to accept the fees only when all of the following are present:~~

~~a. The member has been legally subpoenaed.~~

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~~b. The member testifies during off-duty hours.~~

~~c. The fee is in the form of a check made payable to the member.~~

~~d. The fee does not exceed one day's pay.~~

~~Members who provide expert testimony on a regular basis (i.e., more than once a year), shall submit a secondary employment request and shall, if the request is approved, be governed by existing secondary employment regulations rather than by this rule (see DGO 11.02, Secondary Employment).~~

~~33. MEDIA. See DGO 8.09, Media Relations Policy.~~

~~**18. MEMBERS RELIEVED OF DUTY.** When Compromising Investigations - Except as required by law or by Department policy and procedure, members/employees shall not divulge any information or engage in any conduct that may compromise an administrative or criminal investigation or prosecution of a criminal offense (see DGO 3.16, Release of Police Reports and DGO 8.09 Media Relations).~~

~~**19. Conflict of Interest in Investigations -** If a member is assigned to an investigation in which the member knows, suspects, or should reasonably know or suspect, that the member has a personal or family interest, the member shall immediately report the interest to the member's immediate supervisor.~~

~~**20. Divulging Confidential Information -** Members/employees shall not divulge any information that is made confidential by law or by Department policies and procedures (see DGO 3.16, Release of Police Reports and DGO 8.09 Media Relations).~~

- ~~34. **Members Relieved of Duty** - If it is determined that a member is unfit to perform their duties, that member will be relieved as unfit to exercise their duties, members of duty. The member's supervisor shall submit to their commanding officer a handwritten memorandum report answering the accusation/allegation in detail. Members who are ordered to~~
- ~~8.21. _____ submit the report~~ **Accused members** shall be advised of and accorded all civil and employee rights provided by law or Memorandum of Understanding.

~~22. **RESPONSIBILITIES OF MEMBERS WITH PRISONERS. Sickness or Injury** - Members/employees shall not falsely report themselves sick or injured. (See DGO 11.01 Personnel Compensation)~~

~~23. **Department Property** - Members/employees shall use Department property accordingly. Members/employees may be personally liable for loss or damage to Department property due to negligence or intentional conduct. Members/employees shall not allow any individual who is not an employee or who is not working with the Department to use Department property without supervisory approval (Community Policing). Members/employees shall inspect their assigned vehicles and equipment and report defect or damage, with failure to do so resulting in officer responsibility. Members/employees are responsible for the safekeeping and appropriate authorized use of Department property. Additionally, members/employees shall complete a Damage to Department Property form (SFPD 154) and prepare a memorandum (SFPD 68) addressed to the members commanding officer before reporting off duty for any loss or damage to Department property.~~

- ~~a. Misappropriation or misuse which include but not limited to public funds, Department property, personnel or services will be cause for disciplinary action and or criminal investigation.~~
- ~~b. Abuse or neglect of Department equipment or property will be cause for disciplinary action.~~

~~24. **Use of Private Vehicles** - While on duty, members shall not use a private vehicle for enforcement or investigative purposes, except with the specific approval of their commanding officer or officer-in-charge. Examples of enforcement or investigative purposes include:~~

- ~~a. enforcement purposes~~
- ~~b. surveillance~~
- ~~c. investigative follow ups~~

~~25. **Membership in Subversive Organizations** - Department members/employees shall not knowingly aid, assist, or be a member of or participant in any organization which advocates violence or the overthrow of the government by force or threatens the security and well-being of the City of San Francisco, State of California, or the United States of America. Additionally, Department members/employees shall not knowingly aid, assist, be a member or participant of any organization which conducts unlawful, racist,~~

homophobic, sexist, or hate activity, except, when necessary, in the official performance of their duties, and with the prior authorization of the Chief of Police.

Except for duties related to official business, members/employees shall not knowingly frequent an establishment conducting illegal business. This rule applies to both on-duty and off-duty conduct.

26. Membership in Law Enforcement Gang - Department members/employees shall not knowingly aid, assist, or be a member of or participant in any law enforcement gang. A law enforcement gang is defined as a group of peace officers within a law enforcement agency who identify themselves by a name and may be associated with an identifying symbol, including, but not limited to, matching tattoos, and who engages in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing, including, but not limited to the following:

- a. excluding, harassing, or discriminating against any individual based on a protected category under federal or state antidiscrimination laws.
- b. engages in or promotes conduct that violates the rights of other employees or members of the public.
- c. the persistent practice of unlawful detention or use of excessive force in circumstances where it is known to be unjustified.
- d. intentionally and willfully violates Department policy and procedures.
- e. falsifies police reports.
- f. fabricates or destroys evidence.
- g. targets persons for enforcement based solely on protected characteristics of those persons.
- h. engages in theft.
- i. engages in unauthorized use of alcohol or drugs on duty.
- j. unlawfully or engages in unauthorized protection of other members from disciplinary actions, or
- k. retaliation against other officers who threaten or interfere with the activities of the group.

A violation of this policy shall be grounds for termination.

27. Prohibition on Use of Authority or Position - Except when receiving an unsolicited award or donation and consistent with the Statement of Incompatible Activities, no member/employee shall:

- a. receive, accept, or solicit gifts from anyone other than the City & County of San Francisco for the performance of a service or act the member would be expected to render or perform in the regular course of their city duties.
- b. use or attempt to use their official position for securing personal privileges beyond what is authorized by law, or for avoiding the consequences of illegal conduct.
- c. use information, not available to the public, gained through their position as a law enforcement officer or within the Department to gain a financial or other benefit for themselves or another.

- d. in their official capacity, bestow testimonials, collect, or receive money, or anything of value from any person, except with the Permission of the Police Commission.
- e. use their authority or position, whether for themselves or another, and not otherwise available to them as a private person:
 - i. to barter or solicit any goods or services.
 - ii. accept with the intent to convert to private use, any goods or services.
 - iii. for financial gain or other benefit.
 - iv. to obtain or grant privileges or favors; or
 - v. to avoid the consequences of an illegal or prohibited act for themselves or for others.

Members with further questions shall refer to the San Francisco Police Commission and Police Department Statement of Incompatible Activities.

28. Political Activity - Members/employees shall not, while on duty or while acting as a representative of the Department, endorse or oppose political candidates or issues or participate in political campaigns. Members/employees shall not place or cause to be placed politically oriented information in or on any Department building or equipment other than upon the bulletin board provided for the posting of general notices. Additionally, members/employees shall not use Department email for the purpose of political activity. Members/employees can review the updated Political Activity Memorandum on the City Attorney's website.

29. Surreptitious Recordings - Unless conducting an assigned criminal or administrative investigation, no member shall surreptitiously record (video, photographic recording, or audio) any other member/employee who is on-duty without the express written approval of the Chief of Police. Prohibited surreptitious activity includes the audio recording, video recording and/or photographic recording of another member/employee with ANY personal cellular phone or department issued cellular phone or any electronic technology that is capable of making an audio, video, or photographic record. Members/employees shall continue to adhere to all departmental BWC policies and procedures. Members are reminded to use department issued electronic devices (i.e., department issued cell phone) when conducting any authorized criminal or administrative investigation.

9.30. Responsibilities of Members with Persons Who Are Detained or In Custody -
Members shall:

- a. be responsible for the custody, control, and safety of prisoners/detainees and arrestees in their care until the prisoner/detainee is released and/or the arrestee has been formally remanded to the custody of another.
- b. Members shall treat prisoners/people who are detained or in custody in a humane manner with due respect and courtesy.

~~35. TRANSPORTING OF FEMALES. Immediately prior to transporting any female, or transgender/transsexual person or individual whose gender identity is indeterminate to the member and not clearly articulated by the individual in a Department~~

~~vehicle, whether due to detention, arrest or any other reason, an officer shall notify Communications Division of the vehicle's starting mileage, the location from which he/she is leaving, and the destination. Upon arrival at the destination, the officer shall immediately notify Communications Division and provide the vehicle's ending mileage. Communications Division shall broadcast starting and ending times as an appropriate response, confirming the officer's broadcasts.~~

~~36. CONSUMING ALCOHOLIC BEVERAGES. See DGO 2.02, Alcohol Use By Members.~~

~~37. DRUG USE BY MEMBERS. See DGO 2.03, Drug Use By Members.~~

~~38. ALCOHOLIC BEVERAGES/CONTROLLED SUBSTANCES. Members shall not store or bring into any Department vehicle or facility alcoholic beverages or controlled substances, except in the performance of police duties.~~

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~~39. PERSONAL BUSINESS. Members shall not, while on duty, engage in personal business or in any other activity that would cause them to be inattentive to duty.~~

~~40. SICKNESS OR INJURY. Members shall not falsely report themselves sick or injured.~~

~~41. SLEEPING ON DUTY. Members shall not sleep while on duty.~~

~~43. BORROWING MONEY FROM BAIL BONDSMAN. Members shall not borrow money or become indebted to a bail bond broker.~~

~~44. LEAVING ASSIGNED POSTS. Members shall not leave their assigned posts unless relieved, to take action in a serious matter, for personal necessity, or with a supervisor's permission.~~

~~45. SECURING PERSONAL PRIVILEGES. Members shall not use or attempt to use their official positions for securing personal privileges beyond what is authorized by law, or for avoiding the consequences of illegal conduct.~~

~~46. POLITICAL ACTIVITY. Members shall not, while on duty or while acting as a representative of the Department, endorse political candidates or issues or participate in political campaigns. Members shall not place or cause to be placed politically oriented information in or on any Department building or equipment other than upon the bulletin board provided for the posting of general notices.~~

~~47. USE OF PRIVATE VEHICLES. Members shall not use a private vehicle for police business, except with the specific approval of their commanding officer or officer in charge.~~

~~48. COMPROMISING INVESTIGATIONS. Except as required by law or by Department policy and procedure, members shall not divulge any information or engage in any conduct that may compromise an investigation or prosecution of a criminal offense (see DGO 3.16, Release of Police Reports and DGO 8.09 Media Relations).~~

~~49. DIVULGING CONFIDENTIAL INFORMATION. Except as required by law, members shall not divulge any information that is made confidential by law or by Department policies and procedures (see DGO 3.16, Release of Police Reports and DGO 8.09 Media Relations).~~

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~~c. RECOMMENDING FOR PROFIT BUSINESSES. Members not loan money to persons in custody.~~

10.31. Recommending for Profit Businesses - Members/employees shall not recommend to non-city employees the name or employment of any attorney, bail bondsman or tow truck operator, or the name of a particular for-profit business when the member knows or should know that the member will directly or indirectly receive a benefit, service, or profit by such recommendation. (See San Francisco Police Commission and Police Department Statement of Incompatible Activities.)

11.32. Inducing Retirements - Members/employees shall not offer to, or pay money, or provide any other consideration with the intent of inducing the retirement of any member of the Department, nor shall any member become a party to any such transaction.

~~50. SERVING SUBPOENAS, SUMMONS OR PAPERS IN CIVIL ACTIONS. Members shall not serve a subpoena, summons, or other paper in a civil action or render any assistance in such a case; however, when a crime is committed requiring an arrest, an arrest may be made even though the crime originated from a civil dispute (see DGO 6.09, Domestic Violence, DGO 8.05, Labor Disputes).~~

~~51. FURNISHING INFORMATION TO BAIL BONDSMAN OR~~

33. ATTORNEYS. Filing a Lawsuit Against a Third Party - Members shall, prior to filing a suit against a third party for the collection of damages sustained in the course and scope of police duties, submit a memorandum to their commanding officer providing

a detailed description of the factual circumstances surrounding the incident, including the legal claim or claims for the lawsuit. Commanding officers shall forward these reports through the Chain of Command to the Risk Management Office.

12.34. Furnishing Information to Bail Bondspersons, Attorneys, U.S. Immigration and Customs Enforcement (“ICE”) / U.S. Customs and Border Protection (“CBP”) -

Except as required by law or Department policy, members/employees shall not furnish information regarding any arrested person, an investigation made or about to be made, or other Department activities to ICE/CBP, bail bondsmenbondspersons or attorneys, or to persons working with or for bail bondsmenbondspersons or attorneys.

~~52. LOANING MONEY TO PRISONERS. Members shall not loan or give money or anything of value to persons in custody, except with the permission of the station keeper.~~

~~53. TESTIMONIALS. Members shall not, in their official capacity, bestow testimonials or collect or receive money or anything of value from any person, except with the permission of the Police Commission.~~

~~54. SURREPTITIOUS RECORDINGS. Unless conducting an assigned criminal or administrative investigation, no member shall surreptitiously record (video or audio) any other member who is on duty without the express written approval of the Chief of Police.~~

~~35. 57. CONFLICT OF INTEREST IN INVESTIGATIONS. If a member is assigned to an investigation in which the member knows or suspects, or should reasonable know or suspect, that the member has a personal or family interest the member shall immediately report the interest to the members immediate supervisor. Tobacco Policy - On-duty members and employees shall not use any tobacco products (including, but not limited to cigarettes, cigars, pipes, snuff, or chewing tobacco, e-cigarette, vaping) while in direct contact with the public, within any City facility, City vehicle, within any public building, or within 25 feet of an entrance, open window, or air vent of any City building. The littering or improper disposal of tobacco remnants or by products is prohibited.~~

/employees

General Rules of Conduct

2.01.01 PURPOSE

The San Francisco Police Department (SFPD) stands for Safety with Respect for all. We will engage in just, transparent, unbiased, and responsive policing and do so in the spirit of dignity and in collaboration with the community. We will maintain and build trust and respect as the guardian of constitutional and human rights.

This General Order establishes standards of conduct that are consistent with the values and mission of the San Francisco Police Department and are expected of all department members. This order applies to all members, sworn and professional staff. All members/employees are responsible for knowing and complying with this Order. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions. In addition to the provisions listed herein, members are subject to all other provisions contained in Department General Orders, including DGO 3.01 Department Written Directives, as well as the San Francisco Police Commission rules and orders, and the Department's Statement of Incompatible Activities.

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2.01.02 POLICY

It is the policy of the San Francisco Police Department to maintain the highest level of professional conduct and to ensure that members of the San Francisco Police Department are performing their duties, providing services to the public, and enforcing the laws in a fair, impartial, and ethical manner. Any conduct that creates an unreasonable risk of harm to the public, or compromises the integrity of the Department, may be grounds for discipline.

The appointment and continuing employment of every member of the San Francisco Police Department shall be based on conduct that conforms to the guidelines set forth in this policy.

Police officers, because of their status as peace officers, have a greater responsibility to report and prevent misconduct than members of the public. Experience, rank, or tenure do not provide an excuse for failing to take appropriate action. Although supervisors are responsible for investigating allegations of misconduct, all Department employees are responsible for preventing and reporting misconduct.

The below General Rules of Conduct provide members of the Department with information and safeguards necessary to carry out the Department's mission. While these General Rules of Conduct are designed to address many different scenarios that members may encounter, members are required to know all General Orders and policies of the SFPD. Failure to abide by the mission, general rules of conduct, and Department policies may result in discipline up to, and including, termination and/or criminal investigation.

2.01.03 GENERAL RULES OF CONDUCT

All department members shall become thoroughly familiar with these rules and regulations and shall abide by them. They will observe and obey all:

- ~~f~~Federal, state, and local laws.
- ~~a~~All Department General Orders including DGO 3.01, Department Written Directives.
- ~~o~~Other lawful orders of their superiors.

Upon observing or otherwise becoming aware of a suspected violation of the rules, procedures or policies as set forth in this General Order, every Department member shall report any such violation to a superior officer.

Any ~~employee-member/employees~~ who observes any misconduct shall take appropriate action to immediately stop the misconduct. The fact that a supervisor is present and not taking appropriate action to stop the misconduct does not relieve other ~~members/employees~~ ~~employees~~ present from this duty to act.

1. **Misconduct** ~~---~~ Members/~~employees~~ shall conduct themselves, both on and off-duty, in a manner that reflects favorably on the Department. Unprofessional conduct is conduct that brings the Department into disrepute, reflects discredit upon the member/organization, or impairs the operation or efficiency of the Department or personnel. Types of misconduct include but are not limited to:
 - a. ~~c~~Conduct ~~u~~nbecoming ~~an~~ ~~Officer~~
 - b. ~~c~~Conduct ~~r~~eflecting ~~d~~iscredit
 - c. ~~u~~nnecessary/~~e~~xcessive ~~f~~orce
 - d. ~~u~~nwarranted ~~a~~ction
 - e. ~~n~~eglect of ~~d~~uty
 - f. ~~f~~ailure to ~~t~~ake ~~r~~equired ~~a~~ction

Honesty, credibility, even temperament, and sound judgment are essential to the performance of a member's duties. Any breach of peace, neglect of duty, misconduct, or any conduct by a member/~~employee~~ that tends to subvert the order, efficiency, or discipline of the Department shall be considered misconduct. Additionally, any conduct that brings discredit upon the Department or any ~~member- or member or~~ is prejudicial to the efficiency and discipline of the Department, even if not specifically defined or set forth in Department policies and procedures, shall be considered misconduct.

2. **Department Member's Notification Responsibilities** ~~--~~ All members/~~employees~~ shall immediately notify their Commanding Officer if the member:
 - a. becomes the subject of a domestic violence restraining order, Temporary Restraining Order (TRO/DVRO) or similar court ~~order:order.~~
 - b. is placed on probation related to a criminal ~~ease:case.~~
 - c. becomes the subject of an outstanding ~~warrant:warrant.~~

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- d. learns or is made aware of criminal conviction or any non-criminal conduct which unduly restricts or prohibits that member from fully and properly performing their ~~duties;~~duties.
- e. learns or is made aware that they are prohibited from owning or possessing firearms stemming from a Welfare and Institutions Code ~~held;~~hold.
- f. is a named party in a ~~lawsuit;~~lawsuit.
- g. ~~l~~earns or is made aware that they are under investigation for any misdemeanor, felony, or is listed as a named subject on any documentation in San Francisco or any other jurisdiction (i.e., incident report, field interview forms or information reports, is arrested~~);~~).
- h. is cited in lieu of arrest (except Vehicle Code infractions).

If circumstances delay compliance with the immediate notification requirement, (~~i.e.e.~~, due to incarceration, hospitalization, or travel), and a Commanding Officer cannot be notified in a timely manner, the member shall notify their on-duty supervisor in their command, who shall prepare and forward the memorandum to the member's Commanding Officer. Notification shall include the following: day, date, time, location of incident, involved parties, and summarize the circumstances of the incident. Any other means shall not satisfy the notification requirement. Members may contact their representative prior to completing the memorandum; however, members remain responsible for completing the memorandum upon return to duty.

When a member learns or is made aware of possible misconduct by another member, that member shall immediately notify a supervisor. If that supervisor is the subject of the alleged misconduct, then the reporting member shall notify a different supervisor. If on duty, the member shall also prepare an initial investigative report on memorandum (SFPD 68) addressed to the ~~members~~member's commanding officer before reporting off duty. If the member is unavailable to immediately prepare a memorandum (~~i.e.i.e.~~ off-duty, or assigned to another district) the supervisor being notified shall immediately prepare the memorandum before reporting off-duty.

- 3. **Attention to Duty** - While on duty, all members/employees shall devote their time to performing their respective assignments. Members/employees shall not, while on-duty, engage in personal business or in any other activity that would cause them to be inattentive to duty. Members shall not sleep while on duty.
- 4. **Reporting for Duty** ~~---~~ Members/employees shall report for duty at the required time and place and shall be physically and mentally fit to perform their duties. Members shall remain at their assignment:
 - a. to take action in a serious ~~matter;~~matter.
 - b. unless properly relieved for personal necessity with a supervisor's ~~permission;~~permission.
 - c. until dismissed by responsible authority, ~~i.e.i.e.~~ attorneys, court liaison, 10B assignment, ~~ete;~~etc.
 - d. until relieved by another member or with a supervisor's approval.

5. **Performing Duties** — Members/employees shall perform their duties promptly and according to Department policies and procedures. Members/employees shall maintain a working knowledge of all information required for the proper performance of their duties (see Department General Order 3.01, Department Written Directives). Members/employees shall obey all Department written orders, policies, and procedures, and promptly obey all lawful written or verbal directives of superiors.

6. **Responsibilities of Off-Duty Members Who Place Themselves in Peace Officer Status** - Under California law, Penal Code 830.1, peace officers have the authority, whether on or off duty, to take police action or make lawful arrests anywhere in the State when there is a public offense committed in their presence. All arrests, and the exercise of a peace officer's authority, require compliance with applicable laws and Departmental regulations. If an officer is in the presence of a crime, and there is immediate danger to a person or to property, or an escape of the perpetrator of such an offense, there is a requirement and responsibility of reporting.

Members shall consider the totality of the circumstances when considering action — in most circumstances calling 911 and being a good witness is the appropriate course of action. When feasible, and prior to placing themselves in peace officer status, members shall take a moment and consider alternate resources available to them which include but are not limited to:

- a. utilizing de-escalation techniques
- b. notifying the proper authorities
- c. identifying potential witnesses

Under no circumstances shall an off-duty member who is under the influence of any intoxicating substance place themselves in peace officer status. When an off-duty member witnesses and reports a crime, or is the victim of an offense, that member shall normally maintain their off-duty status and allow on-duty officers to handle the incident. Off-duty members should report any suspected crimes in progress or observed criminal activity to the appropriate authorities.

Notification: Any off-duty members who must place themselves in peace officer status shall immediately identify themselves as a peace officer and display their police identification and/or star immediately.

Immediate notification to the Department Operation Center shall be made by off-duty members who placed themselves in peace officer status. Upon return to regular duty status, members shall prepare a memorandum to their Commanding Officer. Members may contact their representative prior to completing the memorandum, however members remain responsible for completing the memorandum upon return to duty.

7. **Respectfulness** — Members/employees shall be professional, respectful, and courteous towards others at all times. Members/employees are expected to act in a manner that cultivates and maintains a healthy and productive environment. Department

members/employees shall not intimidate other members. Members/employees shall not engage in any conduct likely to cause other members emotional distress such as untoward gossiping and bullying.

8. **Public Courtesy** — Members/employees shall understand and follow the principles of Procedural Justice and incorporate them into their professional work environment. These principles include giving members of the community a voice (opportunity to speak), fair/impartial treatment, respect, and providing a trustworthy process.

When acting in the performance of their duties, members shall:

- a. When answering the phone, identify themselves including their name, rank, unit, station, or bureau, and inquire how they may be of service.
- b. Treat the public with courtesy and respect and not direct discourteous or profane language at members of the public.
- c. Address the public using pronouns and titles of respect appropriate to the individual's gender identity as expressed by the individual.
- d. Not demean or degrade individuals referencing their race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, mental or physical disability, or socioeconomic status.
- e. When requested, the member shall promptly and politely provide their name, star number and assignment.

9. **Written Reports** - While on duty, members shall make all required written reports of crimes or incidents requiring police attention. Members shall finalize felony arrest reports within 8 hours of the subject being booked at the County Jail. Members shall refer to the most current Department bulletins/notices/policies and procedures regarding timely submission of traffic collision reports, arrest reports, and the booking of felony arrestees. Additionally, no member shall knowingly:

- a. ~~s~~Submit false, inaccurate, materially incomplete, or improper Departmental records.
- b. ~~f~~Falsify official reports or records.
- c. ~~f~~Falsify or alter evidence.

Any member who chooses not to document an incident or statement may be required to justify their decision at a later time when requested to do so by higher authority and may be subject to discipline.

10. **Responsibility of Rank** - All department members/employees have a basic responsibility to perform assigned tasks and duties in a manner that ensures the success of the Department's mission. In addition to this basic responsibility, and other responsibilities and duties contained in the Department General Orders or assigned by competent authority, department members have responsibilities which commensurate with rank, including the provision of direct supervision when appropriate.

11. **Addressing High Ranking Members** - When on-duty or in the presence of others, higher ranking members shall be referred to by rank title.

- 12. Responsibility of Higher Rank** - Unless otherwise ordered, when two or more members are on-duty together, the ~~highest ranking~~highest-ranking member shall be in charge and is responsible for the proper completion of the assignment. When assigned duties of a higher rank, members shall assume the responsibilities that apply to the higher rank.
- 13. Equal Rank Responsibility** - Unless otherwise ordered, when two or more Department members of equal rank are working together on the same assignment or detail, the senior member will assume command if needed. Seniority is determined first by member's rank and second by continuous service in the rank.
- 14. Insubordination** - Insubordination is the act of being disobedient to authority; refusal to obey an order which a higher-ranking member is entitled to give; the willful neglect or deliberate refusal to obey any lawful order; flouting the authority of any superior by overt disrespect, or by disputing orders. Failure or refusal of any member or employee to obey a lawful order given by a higher-ranking member constitutes insubordination.
- 15. Conflicting Orders** - Upon receipt of an order conflicting with any previous order or instruction, the member/employee affected shall advise the person issuing the second order of this fact. Responsibility for countermanding the original instruction then rests with the individual issuing the second order. If so directed, the latter order shall be obeyed first. Countermanding or conflicting orders shall be issued only when circumstances dictate. Examples include but are not limited to officer safety, tactical considerations, to accomplish a police mission, or for the good of the Department. Members may choose to prepare a memorandum documenting the conflicting order and submit it to their Commanding Officer for review.
- 16. Investigative Responsibility** - When a member is assigned to an investigation and is at the scene of an incident, they shall immediately assume responsibility to ensure a thorough and complete investigation is conducted, unless relieved by an investigator or higher authority. Additionally, station level investigators or other investigative units who do not respond out to the scene are still responsible for a thorough and complete follow-up investigation.
- 17. Cooperation with Administrative Investigations** - When questioned by a superior officer, the superior officer's designee, or the Department of Police Accountability, members shall answer all questions truthfully, without evasion, or discourtesy. Prior to being questioned, the member shall be advised of and accorded all the members rights mandated by law or Memorandum of Understanding (see DGO 2.08, Peace Officers' Rights). No member shall obstruct, impede, delay, or undermine the internal investigation process in either words or actions. This order shall not infringe on member's Constitutional rights in criminal investigations.
- ~~18. Compromising Investigations~~ - Except as required by law or by
- 18.** Department policy and procedure, members/employees shall not divulge any information or engage in any conduct that may compromise an administrative or criminal

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investigation or prosecution of a criminal offense (see DGO 3.16, Release of Police Reports and DGO 8.09 Media Relations).

19. **Conflict of Interest in Investigations** - If a member is assigned to an investigation in which the member knows, suspects, or should reasonably know or suspect, that the member has a personal or family interest, the member shall immediately report the interest to the member's immediate supervisor.
20. **Divulging Confidential Information** -- Members/~~employees~~ shall not divulge any information that is made confidential by law or by Department policies and procedures (see DGO 3.16, Release of Police Reports and DGO 8.09 Media Relations).
21. **Members Relieved of Duty** - If it is determined that a member is unfit to perform their duties, that member will be relieved of duty. The member's supervisor shall submit to their commanding officer a memorandum report answering the allegation in detail. Accused members shall be advised of and accorded all civil and employee rights provided by law or Memorandum of Understanding.
22. **Sickness or Injury** -- Members/~~employees~~ shall not falsely report themselves sick or injured. (See DGO 11.01 Personnel Compensation)
23. **Department Property** -- Members/~~employees~~ shall use Department property accordingly. Members/~~employees~~ may be personally liable for loss or damage to Department property due to negligence or intentional conduct. Members/~~employees~~ shall not allow any individual who is not an employee or who is not working with the Department to use Department property without supervisory approval (Community Policing). Members/~~employees~~ shall inspect their assigned vehicles and equipment and report defect or damage, with failure to do so resulting in officer responsibility. Members/~~employees~~ are responsible for the safekeeping and appropriate authorized use of Department property. Additionally, members/~~employees~~ shall complete a Damage to Department Property form (SFPD 154) and prepare a memorandum (SFPD 68) addressed to the members commanding officer before reporting off duty for any loss or damage to Department property.
 - a. Misappropriation or misuse which include but not limited to public funds, Department property, personnel or services will be cause for disciplinary action and or criminal investigation.
 - b. Abuse or neglect of Department equipment or property will be cause for disciplinary action.
24. **Use of Private Vehicles** - While on duty, members shall not use a private vehicle for enforcement or investigative purposes, except with the specific approval of their commanding officer or officer-in-charge. Examples of enforcement or investigative purposes include:
 - a. ~~e~~ Enforcement purposes
 - b. ~~s~~ Surveillance
 - c. ~~i~~ Investigative follow ups

25. Membership in Subversive Organizations - Department members/employees shall not knowingly aid, assist, or be a member of or participant in any organization which advocates violence or the overthrow of the government by force or threatens the security and well-being of the City of San Francisco, State of California, or the United States of America. Additionally, Department members/employees shall not knowingly aid, assist, be a member or participant of any organization which conducts unlawful, racist, homophobic, sexist, or hate activity, ~~except~~except, when necessary, in the official performance of their duties, and with the prior authorization of the Chief of Police.

Except for duties related to official business, members/employees shall not knowingly frequent an establishment conducting illegal business. This rule applies to both on-duty and off-duty conduct.

26. Membership in Law Enforcement Gang - Department members/employees shall not knowingly aid, assist, or be a member of or participant in any law enforcement gang. A law enforcement gang is defined as a group of peace officers within a law enforcement agency who identify themselves by a name and may be associated with an identifying symbol, including, but not limited to, matching tattoos, and who engages in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing, including, but not limited to the following:

- a. excluding, harassing, or discriminating against any individual based on a protected category under federal or state antidiscrimination laws.
- b. ~~e~~Engages in or promotes conduct that violates the rights of other employees or members of the public.
- c. ~~t~~he persistent practice of unlawful detention or use of excessive force in circumstances where it is known to be unjustified.
- d. ~~i~~ntentionally and willfully violates Department policy and procedures.
- e. ~~f~~alsifies police reports.
- f. ~~f~~abricates or destroys evidence.
- g. ~~t~~argets persons for enforcement based solely on protected characteristics of those persons.
- h. ~~e~~Engages in ~~theft~~theft.
- i. ~~e~~Engages in unauthorized use of alcohol or drugs on ~~duty~~duty.
- j. ~~u~~nlawfully or engages in unauthorized protection of other members from disciplinary actions, or
- k. ~~r~~etaliation against other officers who threaten or interfere with the activities of the group.

A violation of this policy shall be grounds for termination.

27. Prohibition on Use of Authority or Position - Except when receiving an unsolicited award or donation and consistent with the Statement of Incompatible Activities, no member/employee shall:

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- a. receive, accept, or solicit gifts from anyone other than the City & County of San Francisco for the performance of a service or act the member would be expected to render or perform in the regular course of their ~~Citycity~~ duties:duties.
- b. use or attempt to use their official position for securing personal privileges beyond what is authorized by law, or for avoiding the consequences of illegal ~~eonduet:~~ conduct.
- c. use information, not available to the public, gained through their position as a law enforcement officer or within the Department to gain a financial or other benefit for themselves or ~~another:~~ another.
- d. in their official capacity, bestow testimonials, ~~eeHeet~~ collect, or receive money, or anything of value from any person, except with the Permission of the Police ~~Commission:~~ Commission.
- e. use their authority or position, whether for themselves or another, and not otherwise available to them as a private person:
 - i. to barter or solicit any goods or ~~serviees:~~ services.
 - ii. accept with the intent to convert to private use, any goods or ~~serviees:~~ services.
 - iii. for financial gain or other ~~benefit:~~ benefit.
 - iv. to obtain or grant privileges or favors; or
 - v. to avoid the consequences of an illegal or prohibited act for themselves or for others.

Members with further questions shall refer to the San Francisco Police Commission and Police Department Statement of Incompatible Activities.

28. Political Activity --- Members/employees shall not, while on duty or while acting as a representative of the Department, endorse or oppose political candidates or issues or participate in political campaigns. Members/employees shall not place or cause to be placed politically oriented information in or on any Department building or equipment other than upon the bulletin board provided for the posting of general notices. Additionally, members/employees shall not use Department email for the purpose of political activity. Members/employees can review the updated Political Activity Memorandum on the City Attorney's website.

29. Surreptitious Recordings - Unless conducting an assigned criminal or administrative investigation, no member shall surreptitiously record (video, photographic ~~recording~~ recording, or audio) any other member/employee who is on-duty without the express written approval of the Chief of Police. Prohibited surreptitious activity includes the audio recording, video recording and/or photographic recording of another member/employee with ANY personal cellular phone or department issued cellular phone or any electronic technology that is capable of making an audio, video, or photographic record. Members/employees shall continue to adhere to all departmental BWC policies and procedures. Members are reminded to use department issued electronic devices (~~i.e.i.e.~~, department issued cell phone) when conducting any authorized criminal or administrative investigation.

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30. Responsibilities of Members with Persons Who Are Detained or In Custody -

Members shall:

~~30.~~

- a. be responsible for the custody, control, and safety of detainees and arrestees in their care until the detainee is released and/or the arrestee has been formally remanded to the custody of ~~another~~another.
- b. treat people who are detained or in custody in a humane manner with due respect and ~~courtesy~~courtesy.
- c. not loan money to persons in custody.

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31. Recommending for Profit Businesses — Members/employees shall not recommend to non-city employees the name or employment of any attorney, bail bondsman or tow truck operator, or the name of a particular for-profit business when the member knows or should know that the member will directly or indirectly receive a benefit, service, or profit by such recommendation. (See San Francisco Police Commission and Police Department Statement of Incompatible Activities.)

32. Inducing Retirements — Members/employees shall not offer to, or pay money, or provide any other consideration with the intent of inducing the retirement of any member of the Department, nor shall any member become a party to any such transaction.

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33. Filing a Lawsuit Against a Third Party — Members shall, prior to filing a suit against a third party for the collection of damages sustained in the course and scope of police duties, submit a memorandum to their commanding officer providing a detailed description of the factual circumstances surrounding the incident, including the legal claim or claims for the lawsuit. Commanding officers shall forward these reports through the Chain of Command to the Risk Management Office.

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34. Furnishing Information to Bail Bondspersons, Attorneys, U.S. Immigration and Customs Enforcement ("ICE") / U.S. Customs and Border Protection ("CBP")

~~ICE/CBP~~ — Except as required by law or Department policy, members/emplkovees shall not furnish information regarding any arrested person, an investigation made or about to be made, or other Department activities to ICE/CBP, bail bondspersons or attorneys, or to persons working with or for bail bondspersons or attorneys.

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35. Tobacco Policy - On-duty members and employees shall not use any tobacco products (including, but not limited to cigarettes, cigars, pipes, snuff, or chewing tobacco, e-cigarette, vaping) while in direct contact with the public, within any City facility, City vehicle, within any public building, or within 25 feet of an entrance, open window, or air vent of any City building. The littering or improper disposal of tobacco remnants or by products is prohibited.